
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 11/20/2018

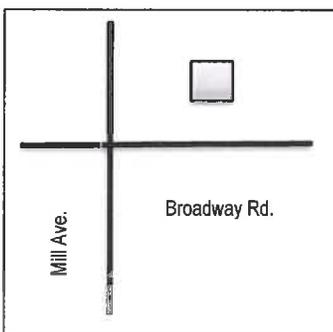
Agenda Item: 3

ACTION: Request approval to abate public nuisance items at the Davis Property located at 149 E. Vista del Cerro Drive. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$3994.00 for abatement request, cut over-height grass and weeds in the back yard, trim dead foliage from live oleanders and remove dead oleanders in the back yard, and remove all items being stored in the back yard.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the DAVIS PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CE182949: cut over-height grass and weeds in the back yard, trim dead foliage from live oleanders and remove dead oleanders in the back yard, and remove all items being stored in the back yard.



Property Owner: Karl Davis
Applicant: City of Tempe – Code Compliance
Zoning District: R1-6, Single Family Residential
Code Compliance Inspector: Julie Scofield, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Davis Property located at 149 E. Vista del Cerro Drive, in the R1-6, Single Family Residential district. This case was initiated 05/17/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT

DATE: 10/09/2018
TO: Jeff Tamulevich, Code Administrator
FROM: Julie Scofield
SUBJECT: Davis Property Abatement

LOCATION: 149 E. Vista Del Cerro Dr. Tempe, AZ 85281

PARCEL: 133-16-035

OWNER: Karl Davis
149 E. Vista Del Cerro Dr.
Tempe, AZ 85281

FINDINGS:

05/17/2018 Complaint came into Neighborhood Enhancement (CE182949) for this property regarding animal feces, odor, junk and debris, lawn parking, unregistered vehicles, and deteriorated landscape- in the front and back yard of the property. The property was inspected. The vehicles in the front all have covers on them and the tires are inflated. Did not see any dog feces but there was a smell-not sure from this property or another. No vehicles were lawn parking. There is a lot of items being stored in the back yard of the property. Dead oleanders in the back yard. A notice was mailed to the owner, Karl Davis.

06/28/2018 Received a phone message from the owner requesting an extension of time. Granted more time until July 26th 2018.

07/16/2018 Received another anonymous complaint for dead oleanders, deteriorated landscape, junk and debris, unregistered vehicles, in the front and or side yards.

08/01/2018 Mr. Davis called and asked for another extension until August 14th, 2018. The extension was granted.

08/23/2018 Reinspected the property. Did not appear to be any change to the back yard regarding the landscape issues or items being stored. A citation was issued, and pictures were taken to show the violations on this property.

09/11/2018 Karl Davis has paid the citation but has failed to bring the property into compliance. He requested two more weeks to take care of the property before any further action is taken.

09/19/2018 Received an anonymous complaint for this property regarding the unregistered vehicles.

10/05/2018 There has been no change to the condition of the property. Requesting a bid to clean up the property. The abatement hearing is set to be November 20th, 2018.

RECOMMENDATIONS:

I am recommending the approval for the abatement at 149 E. Vista Del Cerro Dr. The property is owned by Karl Davis. The owner has been given ample time and opportunities to bring this property into compliance and has failed to take any corrective action. A notice was mailed, and a citation was issued. Would also like to request a 180-day open abatement in the event the property comes into violation in the future.

Respectfully submitted,

Julie Scofield

ACTION TAKEN:
NAME
DATE:

Submit
[Signature]
10 9 18

CASE # CE182949



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

10/09/2018

KARL DAVIS
149 E. VISTA DEL CERRO DR.
TEMPE, AZ 85281

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Legal: UNIVERSITY ESTATES
Location: 149 E. VISTA DEL CERRO DR. TEMPE, AZ 85281
Parcel: 133-16-035

This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **11/20/2018**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Violation of City of Tempe Code 21-3-B-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

1. **CUT ALL OVER HEIGHT GRASS/WEEDS FROM THE BACK YARD.**
2. **TRIM OFF ALL DEAD PARTS OF OLEANDERS OR CUT DOWN TO GROUND THE DEAD OLEANDERS FROM THE BACK YARD OF THE PROPERTY.**
3. **REMOVE ALL ITEMS BEING STORED IN THE BACK YARD OF THE PROPERTY.**

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$3994.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: Julie Scofield

Phone Number: (480)350-8951

E-mail: julie_scofield@tempe.gov

HAMANN ENTERPRISES, LLC
4001 W CAMELBACK RD C30
PHOENIX, AZ 85019
(602) 575-4455
hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: JULIE SCOFIELD

FIRM: CITY OF TEMPE

DATE: 10/4/18

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 149 E VISTA DEL CERRO

1	REMOVAL OF JUNK AND DEBRIS FROM BACKYARD	\$2,240.00
2	ESTAMATED DUMP FEES	\$200.00
3	SECURITY BY TEMPE POLICE	\$554.00
4	2 ROLL OFF DUMPSTERS	\$1,000.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<hr/> \$3,994.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



paid

Complaint Number 1443042		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	
Driver's License No.		<input type="checkbox"/> DLP	State	Class	Endorsements M H N P T X D			Incident Report Number CE182949				
Defendant Name (First, Middle, Last) Karl Davis												Juvenile
Residence Address, City, State, Zip Code 149 E Vista del Cerro Dr. Tempe AZ 85281										Residence Phone No. ()		
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions					
Business Address, City, State, Zip Code										Business Phone No. ()		
Vehicle Color			Year	Make	Model	Style	License Plate		State	Expiration Date		
Registered owner & address, City, State, Zip Code							Vehicle Identification Number					

The Undersigned Certifies That:

On	Month 08	Day 23	Year 18	Time 10:11	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace		Direction of Travel	
At	Location 149 E Vista del Cerro Dr							<input checked="" type="checkbox"/> Tempe	85281		State of Arizona	Area	Dist.

The Defendant Committed the Following:

A	Section: 21-3-B-1	ARS CC	Violation: Junk, Trash, debris	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
B	Section: 21-3-B-8	ARS CC	Violation: Deteriorated Landscape dead veg.	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input checked="" type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
C	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
D	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense
E	Section:	ARS CC	Violation:	<input type="checkbox"/> Domestic Violence Case	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Code:	Date of Disposition:	Sanction:	<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense

You must appear on the date and time indicated at:	Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753	<input checked="" type="checkbox"/> Traffic Court Suite 150, 1st Floor	Date: 09/07/18	Time: Between 9AM & 4PM
	<input type="checkbox"/> Court:	<input type="checkbox"/> Criminal Court Suite 200, 2nd Floor	Date: _____	Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM
	Court Address, City, State, Zip Code	Date: _____	Time: _____	<input type="checkbox"/> AM <input type="checkbox"/> PM Court No. _____

Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.	Victim? <input type="checkbox"/>	Victim Notified? <input type="checkbox"/>
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.	
x mailed	Complainant <i>[Signature]</i>	PSN 8022

Comments: **Juvenile Notification:**
Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____

1st citation

Date issued if not violation date _____

COMPLAINT



1443042



**COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE
CORRECTION NOTICE**

05/17/18

DAVIS KARL
149 E VISTA DEL CERRO DR
TEMPE, AZ 85281-6641

Case#: CE182949
Site Address: 149 E VISTA DEL CERRO DR. TEMPE, AZ 85281

SITE REINSPECTION ON OR AFTER: 06/16/2018

This is a notice to inform you that this site was inspected on 05/17/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

VIOLATION SECTION:

Violation of the Tempe City Code, Chapter 21-3-b-6

Excessive animal waste that is not securely protected from insects and the elements, or that is kept or handled in violation of this code or any other ordinance of the city or the county; provided, that nothing in this subsection shall be deemed to prohibit the use of such animal waste on any farm or ranch in such a manner and for such purposes as are compatible with customary methods of good husbandry or cultivation.

Violation of City of Tempe Code 21-3-B-1

Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.

Violation of City of Tempe Code 21-3-B-8

Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION:

1. PLEASE REMOVE ITEMS BEING STORED IN THE FRONT, SIDE, OR BACK OF THE PROPERTY. ITEMS INCLUDE BUT IS NOT LIMITED TO AUTO PARTS, FURNITURE, WOOD, APPLIANCES, BUILDING MATERIALS, METAL, HOUSEHOLD ITEMS, AND ANY OTHER MISCELLANEOUS ITEMS.
2. PLEASE PROPERLY DISCARD ALL THE DOG FECES IN THE BACK YARD OF THE PROPERTY. CLEAN UP DOG FECES ON A REGULAR BASIS.

3. PLEASE CUT DOWN TO GROUND LEVEL OR REMOVE ANY DEAD BUSHES/VEGETATION IN THE FRONT AND OR BACK OF THE PROPERTY.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Julie Scofield
Code Inspector II
E-Mail

Direct: 480-350-8951
Code Compliance: 480-350-8372
julie_scofield@tempe.gov

Civil and Criminal Penalties

City Code: Section 21-3, subsections (b) 1-8, and 17-19; Sections 21-4; 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violation, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, subsection (l): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after the date of the original violation until compliance occurs. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).











